

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE AIR CARGO SHIPPING SERVICES	:	Master File No. 06-MD-1775 (JG)(VVP)
ANTITRUST LITIGATION	:	
	:	
MDL No. 1775	:	
	:	
BENCHMARK EXPORT SERVICES ET AL.	:	10-CV-0639 (JG) (VVP)
	:	
v.	:	
	:	
CHINA AIRLINES, LTD. ET AL.	:	
_____	x	

**DECLARATION OF JASON A. ZWEIG**

I, Jason A. Zweig, declare:

1. I am a partner in the law firm of Kaplan Fox & Kilsheimer LLP, one of the co-lead counsel for plaintiffs in the above referenced litigations.
2. I submit this declaration in support of Plaintiffs' Memorandum of Law in Opposition to Motions to Dismiss of Air India, China Airlines, Ltd., EVA Airways Corporation, Malaysia Airlines, and Salvatore Sanfilippo.
3. Attached as Exhibit 1 is a true and correct copy of the class action complaint filed on February 12, 2010, in *Benchmark Export Services v. China Airlines Ltd.*, 10-CV-0639, in the United States District for the Eastern District of New York ("Complaint").
4. Attached as Exhibit 2 is a true and correct copy of the First Consolidated Amended Complaint filed on February 8, 2007, in *In re Air Cargo Shipping Services Antitrust Litig.*, 06-MD-1775, in the United States District for the Eastern District of New York ("FCAC").

5. Attached as Exhibit 3 is a red-lined comparison of the basic factual allegations contained in the Complaint and the FCAC, as prepared by Kaplan Fox & Kilsheimer LLP.

6. Attached as Exhibit 4 is a true and correct copy of an Order entered on August 21, 2009, by the Honorable Judge John Gleeson, in *In re Air Cargo Shipping Services Antitrust Litigation*, 06-MD-1775.

7. Attached as Exhibit 5 is a chart prepared by Kaplan Fox & Kilsheimer LLP, which is based on publicly available information, including Exhibits 6-23, and the corresponding court dockets, and which depicts the overlapping suspension periods pertaining to the successive government investigations relevant to this matter.

8. Attached as Exhibit 6 is a true and correct copy of the criminal information filed on August 1, 2007, by the United States against Korean Air Lines Co., Ltd. in the United States District Court for the District of Columbia.

9. Attached as Exhibit 7 is a true and correct copy of the criminal information filed on August 17, 2007, by the United States against British Airways Plc in the United States District Court for the District of Columbia.

10. Attached as Exhibit 8 is a true and correct copy of the criminal information filed on November 27, 2007, by the United States against Qantas Airways Limited in the United States District Court for the District of Columbia.

11. Attached as Exhibit 9 is a true and correct copy of the criminal information filed on April 16, 2008, by the United States against Japan Airlines International Co., Ltd. in the United States District Court for the District of Columbia.

12. Attached as Exhibit 10 is a true and correct copy of the criminal information filed on May 8, 2008, by the United States against Bruce McCaffrey in the United States District Court for the District of Columbia.

13. Attached as Exhibit 11 is a true and correct copy of the criminal information filed on June 26, 2008, by the United States against Socit Air France and Koninklijke Luchtvaart Maatschappij N.V. in the United States District Court for the District of Columbia.

14. Attached as Exhibit 12 is a true and correct copy of the criminal information filed on June 26, 2008, by the United States against Cathay Pacific Airways Ltd. in the United States District Court for the District of Columbia.

15. Attached as Exhibit 13 is a true and correct copy of the criminal information filed on June 26, 2008, by the United States against Martinair Holland N.V. in the United States District Court for the District of Columbia.

16. Attached as Exhibit 14 is a true and correct copy of the criminal information filed on June 26, 2008, by the United States against SAS Cargo Group A/S in the United States District Court for the District of Columbia.

17. Attached as Exhibit 15 is a true and correct copy of the criminal information filed on July 28, 2008, by the United States against Timothy Pfeil in the United States District Court for the District of Columbia.

18. Attached as Exhibit 16 is a true and correct copy of the criminal information filed on September 30, 2008, by the United States against Keith Packer in the United States District Court for the District of Columbia.

19. Attached as Exhibit 17 is a true and correct copy of the criminal information filed on January 22, 2009, by the United States against El Al Israel Airlines Ltd. in the United States District Court for the District of Columbia.

20. Attached as Exhibit 18 is a true and correct copy of the criminal information filed on January 22, 2009, by the United States against Lan Cargo S.A. and Aerolinhas Brasileiras S.A. in the United States District Court for the District of Columbia.

21. Attached as Exhibit 19 is a true and correct copy of the criminal information filed on April 9, 2009, by the United States against Asiana Airlines, Inc. in the United States District Court for the District of Columbia.

22. Attached as Exhibit 20 is a true and correct copy of the criminal information filed on April 9, 2009, by the United States against Cargolux Airlines International S.A. in the United States District Court for the District of Columbia.

23. Attached as Exhibit 21 is a true and correct copy of the criminal information filed on April 9, 2009, by the United States against Nippon Cargo Airlines Co., Ltd. in the United States District Court for the District of Columbia.

24. Attached as Exhibit 22 is a true and correct copy of the criminal information filed on April 29, 2009, by the United States against Franciscus Johannes de Jong a/k/a Frank de Jong in the United States District Court for the District of Columbia.

25. Attached as Exhibit 23 is a true and correct copy of the criminal indictment filed on August 12, 2009, by the United States against Jan Lillieborg in the United States District Court for the District of New Jersey.

26. Attached as Exhibit 24 is a true and correct copy of the Joint Application of Malaysia Airlines and Northwest Airlines filed on January 13, 2000, in the Department of Transportation in Washington D.C., docket no. OST-00-6791.

27. Attached as Exhibit 25 is a true and correct copy of the Statement of Joel I. Klein, Assistant Attorney General, Antitrust Division of the United States Department of Justice, Concerning the State of Competition in the Airline Industry, before the United States House of Representatives Committee on the Judiciary (May 19, 1998), *publicly available at* <http://www.justice.gov/atr/public/testimony/1774.pdf>.

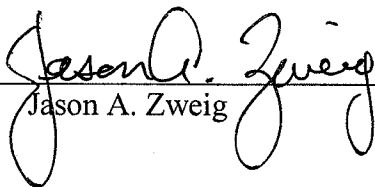
28. Attached as Exhibit 26 is a true and correct copy of the Competition Act, 2002, No. 12 of 2003, as amended by The Competition (Amendment) Act, 2007, *publicly available at* [http://www.cci.gov.in/images/media/competition\\_act/act2002.pdf?phpMyAdmin=NMPFRahGKYeum5F74Ppstn7Rf00](http://www.cci.gov.in/images/media/competition_act/act2002.pdf?phpMyAdmin=NMPFRahGKYeum5F74Ppstn7Rf00).

29. Attached as Exhibit 27 is a true and correct copy of the text of Section 617 of the Companies Act, 1956, No. 1 of 1956, *publicly available at* <http://www.vakilno1.com/bareacts/companiesact/s617.htm>.

30. Attached as Exhibit 28 is a true and correct copy of the declaration of Derek Lee, dated June 3, 2010.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 4, 2010

  
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Jason A. Zweig